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Attorneys for Plaintiff
 VNUS Medical Technologies, Inc.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES, INC.,	)	LEAD CASE NO. C08-03129 MMC
)	
Plaintiff,	)	CASE NO. C08-3129 MMC
)	
v.)	
	)	STIPULATION AND [PROPOSED]
BIOLITEC, INC., DORNIER MEDTECH	)	ORDER TO EXTEND PATENT L.R. 4-2
AMERICA, INC., and NEW STAR LASERS,	)	DEADLINE FOR EXCHANGE OF
INC. d/b/a COOLTOUCH, INC.,	)	PRELIMINARY CLAIM
	)	CONSTRUCTIONS AND EXTRINSIC
Defendants.	)	EVIDENCE
)	
	)	AND ORDER THEREON
)	
VNUS MEDICAL TECHNOLOGIES, INC.,	)	CASE NO. C08-04234 MMC
	)	(consolidated with C08-3129 MMC)
Plaintiff,)	
)	
v.)	
)	
TOTAL VEIN SOLUTIONS, LLC d/b/a)	
TOTAL VEIN SYSTEMS,)	
)	
Defendant.)	
)	
)	
)	

1 WHEREAS, in its Pretrial Preparation Order (“Pretrial Order”) dated November 18, 2008
2 the Court adopted the parties’ schedule for pretrial dates as set forth in the Joint Case Management
3 Statements and Rule 26(f) Reports filed in the above-captioned cases on November 7, 2008;

4 WHEREAS, under the Pretrial Order the deadline for the parties to exchange their
5 Preliminary Claim Constructions and Extrinsic Evidence pursuant to Patent L.R. 4-2 is April 3,
6 2009;

7 WHEREAS, on December 16, 2008, the Court entered the parties’ Stipulation and Proposed
8 Order Regarding Scheduling of Preliminary Infringement Contentions, Preliminary Invalidity
9 Contentions, and Proposed Terms for Construction (Doc. Ent. 93), wherein the parties requested
10 extensions of the dates within which to exchange their Preliminary Infringement Contentions,
11 Preliminary Invalidity Contentions, and Proposed Terms for Construction pursuant to Patent L.R.
12 3-1, 3-3 and 4-1, but failed to request a corresponding extension of the Patent L.R. 4-2 disclosure
13 deadline, which is calculated from the date the parties exchanged their respective Patent L.R. 4-1
14 lists of Proposed Terms for Construction;

15 WHEREAS rescheduling the Patent L.R. 4-2 disclosure deadline to account for the prior
16 extension of dates will enable the parties to properly develop their positions and arguments related
17 to claim construction;

18 WHEREAS this modification to the case schedule will not otherwise affect the dates set in
19 the Pretrial Order, including the Claim Construction Hearing scheduled for August 17, 2009;

20 WHEREAS all previous time modifications in this case have related to: (1) the time for
21 filing responsive pleadings; (2) the continuance of the initial Case Management Conference; (3) the
22 hearing and briefing schedule on TVS’s Rule 12 motions;(4) the exchange of infringement and
23 invalidity contentions and proposed terms for construction; and (5) the deadline to complete
24 mediation.

25 NOW, THEREFORE, it is hereby stipulated and agreed by the respective parties, by and
26 through their counsel of record:
27
28

1 1. The deadline for the parties to exchange their Preliminary Claim Constructions and
2 Extrinsic Evidence pursuant to Patent L.R. 4-2 shall be moved from April 3 to April 8, 2009;

3 2. All other deadlines in the Pretrial Order shall remain unchanged.

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5
6 //

7 Dated: March 27, 2009

Respectfully Submitted,

8 ATTORNEYS FOR PLAINTIFF
9 VNUS MEDICAL TECHNOLOGIES, INC.

10 By: /s/ Chung G. Suh

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25 ATTORNEYS FOR DEFENDANT BIOLITEC,
26 INC.

27 Dated: March 27, 2009

28 By: /s/ Michael N. Rader

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Dated: March 27, 2009

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VEIN SOLUTIONS, LLC d/b/a TOTAL VEIN
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Dated: March 27, 2009

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1 Pursuant to General Order No. 45, I hereby attest that I have concurrence to file this
2 stipulation from all parties whose signatures are indicated by a “conformed” signature (/s/) within
3 this e-filed document.

4
5 /s/ Chung G. Suh
6 Chung G. Suh

7 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

8
9 Dated: March 30, 2009

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11 MAXINE M. CHESNEY
12 United States District Judge
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